

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-NINTH DAY — TUESDAY, MARCH 29, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 164).

Present — Mr. Speaker; Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Absent, Excused — Gonzalez Toureilles; West.

Absent — Alonzo; Farabee; Krusee.

The invocation was offered by Dr. Charles D. Walton, senior pastor, First Baptist Church, Conroe, as follows:

Heavenly Father, we assemble today in an effort to accomplish what is best for the citizens of Texas. There are good people here with good hearts, good minds, and good intentions even though, we confess, Lord, there are times we find it difficult to admit this to one another.

We also know that mere human virtue is not enough to accomplish any great task. We need the guidance of a good and wise God, and we need sense enough to seek godly wisdom. Today, this is what we ask of our creator. Make us sensitive to our common need of God.

Texas is a great state, and Montgomery County, which we recognize today, is one of Texas' finest. Thank you for the leadership of our county, both past and present. Bless these leaders with understanding as they give direction to a rapidly growing area of our state. We thank you for each of them.

Now, Lord, may you bless all the citizens of Texas by blessing the work of this house. And may we always remember that you have a kingdom, too, one that demands our ultimate allegiance. Thank you, Lord, for this great day. Make it your own in every heart. We pray in your holy name. Amen.

The speaker recognized Representative Hope who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of the birth of her son, Christopher:

Gonzalez Toureilles on motion of Gonzales.

The following member was granted leave of absence for today because of illness in the family:

West on motion of Pitts.

CAPITOL PHYSICIAN

The speaker recognized Representative Corte who presented Dr. Mitchell Frank Finnie of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Finnie and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Farabee now present)

(Hamilton in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of McClendon.

HR 900 - ADOPTED **(by Hope, Eissler, and Otto)**

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 900**.

The motion prevailed.

The following resolution was laid before the house:

HR 900, Recognizing March 29, 2005, as Montgomery County Day at the State Capitol.

HR 900 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Eissler who introduced a delegation from Montgomery County.

HR 769 - ADOPTED **(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 769**.

The motion prevailed.

The following resolution was laid before the house:

HR 769, Honoring Suellen Mills of Austin for her 30 years of service with Meals on Wheels and More.

HR 769 was read and was adopted.

HR 895 - ADOPTED **(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 895**.

The motion prevailed.

The following resolution was laid before the house:

HR 895, Recognizing March 29, 2005, as Katy Day at the State Capitol.

HR 895 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced a delegation from Katy.

HCR 130 - ADOPTED **(by Eissler)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HCR 130**.

The motion prevailed.

The following resolution was laid before the house:

HCR 130, In memory of Colleen Tough of The Woodlands.

HCR 130 was read and was unanimously adopted by a rising vote.

On motion of Representative Hope, the names of all the members of the house were added to **HCR 130** as signers thereof.

(Alonzo now present)

HR 817 - ADOPTED
(by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 817**.

The motion prevailed.

The following resolution was laid before the house:

HR 817, Honoring the McDermott Scholars on the occasion of their visit to the State Capitol.

HR 817 was read and was adopted.

On motion of Representatives Goolsby and Madden, the names of all the members of the house were added to **HR 817** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22).

HR 879 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 879**.

The motion prevailed.

The following resolution was laid before the house:

HR 879, Recognizing March 29, 2005, as Ellis County Day at the State Capitol.

HR 879 was read and was adopted.

HCR 123 - ADOPTED
(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HCR 123**.

The motion prevailed.

The following resolution was laid before the house:

HCR 123, Honoring the Ennis High School Lions football team for winning the 2004 Class 4A Division I state championship.

HCR 123 was read and was adopted.

On motion of Representative Eiland, the names of all the members of the house were added to **HCR 123** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced Bill Cox, athletic director for Ennis Independent School District, and Sam Harrell, football coach for Ennis High School.

HR 880 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 880**.

The motion prevailed.

The following resolution was laid before the house:

HR 880, Honoring Texas Nameplate Company, Inc., of Dallas for its receipt of the 2004 Malcolm Baldrige National Quality Award.

HR 880 was read and was adopted.

HR 752 - ADOPTED (by B. Cook)

Representative B. Cook moved to suspend all necessary rules to take up and consider at this time **HR 752**.

The motion prevailed.

The following resolution was laid before the house:

HR 752, Recognizing April as Parkinson's Disease Awareness Month in Texas.

HR 752 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative B. Cook who introduced members of a Parkinson's Advocacy Group: Terry Bowers, Cayce Kovacs, Kitty Hoskins, and James Shrader.

HR 690 - ADOPTED (by West)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 690**.

The motion prevailed.

The following resolution was laid before the house:

HR 690, Honoring Charles R. Perry and Nancy Jo Perry of Odessa on their 50th wedding anniversary.

HR 690 was read and adopted.

On motion of Representative Laney, the names of all the members of the house were added to **HR 690** as signers thereof.

HR 722 - ADOPTED
(by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 722**.

The motion prevailed.

The following resolution was laid before the house:

HR 722, Congratulating Grace DeForde of Friendswood on her receipt of a 2005 Prudential Spirit of Community Award.

(Speaker in the chair)

HR 722 was read and was adopted.

On motion of Representative Turner, the names of all the members of the house were added to **HR 722** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Taylor who introduced Grace DeForde and her family.

HR 912 - ADOPTED
(by Herrero)

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 912**.

The motion prevailed.

The following resolution was laid before the house:

HR 912, Recognizing March 29, 2005, as Cotton Day at the State Capitol.

(Hamilton in the chair)

HR 912 was read and was adopted.

(Speaker in the chair)

HR 908 - ADOPTED
(by Puente)

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 908**.

The motion prevailed.

The following resolution was laid before the house:

HR 908, Recognizing March 29, 2005, as VIVA SAN ANTONIO DAY at the State Capitol.

HR 908 was read and was adopted.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 807 ON SECOND READING
(by Driver)

CSHB 807, A bill to be entitled An Act relating to reporting the outcome of alcohol and drug tests of holders of commercial driver's licenses.

CSHB 807 was read second time on March 16 and was postponed until 10 a.m. March 24.

Representative Driver moved to postpone consideration of **CSHB 807** until 10 a.m. April 11.

The motion prevailed.

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bills were laid before the house and read third time:

HB 789 ON THIRD READING
(by P. King and Edwards)

HB 789, A bill to be entitled An Act relating to communications; providing penalties.

Amendment No. 1

Representative P. King offered the following amendment to **HB 789**:

Amend **HB 789**, second reading engrossment, as follows:

(1) On page 67, line 7, through page 69, line 12, strike SECTIONS 85-87 and renumber subsequent SECTIONS accordingly.

(2) On page 83, line 27, through page 84, line 1, strike "Section 57.042(6)(A) and (B)" and substitute "Section 57.021 [~~57.042(6)(A) and (B)~~]".

(3) On page 119, lines 22-25, strike Subdivisions (42)-(44) and renumber subsequent Subdivisions accordingly.

(4) On page 120, line 26, through page 121, line 6, strike SECTION 147(a).

(5) On page 121, line 7, strike "(b)".

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Thompson offered the following amendment to **HB 789**:

Amend **HB 789**, second reading engrossment, as follows:

(1) On page 67, line 7, through page 69, line 12, strike SECTIONS 85-87 and renumber subsequent SECTIONS accordingly.

(2) On page 83, line 27, through page 84, line 1, strike "Section 57.042(6)(A) and (B)" and substitute "Section 57.021 [~~57.042(6)(A) and (B)~~]".

(3) On page 119, lines 22-25, strike Subdivisions (42)-(44) and renumber subsequent Subdivisions accordingly.

- (4) On page 120, line 26, through page 121, line 6, strike SECTION 147(a).
- (5) On page 121, line 7, strike "(b)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Escobar offered the following amendment to **HB 789**:

Amend **HB 789** on third reading by adding the following section to the bill, numbered appropriately:

SECTION _____. Subchapter B, Chapter 56, Utilities Code, is amended by adding Section 56.0285 to read as follows:

Sec. 56.0285 REIMBURSEMENT OF FEDERALLY-QUALIFIED HEALTH CENTERS. (a) The health centers defined in Section 58.2535 are entitled to receive from the universal service fund the equivalent of a rebate equal to the difference between the company's tariffed rate for interexchange high capacity service (at or in excess of 1.544 Mbps) as of January 1, 1998 and the lowest rate offered for that service by any local exchange company electing incentive rate regulation under Chapter 58.

(b) This section shall govern to the extent there is a conflict with any other provision of the Utilities Code.

Amendment No. 3 was adopted.

HB 789, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 93 ON THIRD READING (by Riddle)

HB 93, A bill to be entitled An Act relating to showing the cause of death on the death certificate of an inmate of the Texas Department of Criminal Justice who is lawfully executed.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 93**:

Amend **HB 93** on third reading in Section 1 of the bill by striking added Section 193.005(j), Health and Safety Code, and substituting the following:

(j) The death certificate of a decedent who was an inmate of the Texas Department of Criminal Justice at the time of death and who was lawfully executed shall classify the manner of death as death caused by legally authorized execution.

Amendment No. 1 was adopted.

A record vote was requested.

HB 93, as amended, was passed by (Record 165): 136 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Nays — Deshotel; McCall; Noriega, M.; Thompson.

Present, not voting — Mr. Speaker(C); Hodge.

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Alonzo; Davis, Y.; Jones, D.; Krusee; Naishtat.

STATEMENTS OF VOTE

When Record No. 165 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

I was shown voting yes on Record No. 165. I intended to vote no.

Castro

I was shown voting yes on Record No. 165. I intended to vote no.

Dukes

I was shown voting yes on Record No. 165. I intended to vote no.

McClendon

When Record No. 165 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

I was shown voting yes on Record No. 165. I intended to vote no.

Olivo

I was shown voting yes on Record No. 165. I intended to vote no.

Rodriguez

HB 352 ON THIRD READING
(by Goodman)

HB 352, A bill to be entitled An Act relating to the collection of municipal hotel occupancy taxes.

HB 352 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: D. Jones recorded voting no.)

HB 366 ON THIRD READING
(by Hegar)

HB 366, A bill to be entitled An Act relating to use of safety belts and child passenger safety seat systems.

HB 366 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 372 ON THIRD READING
(by Jackson, et al.)

HB 372, A bill to be entitled An Act relating to the required use of towing safety chains on certain vehicles.

HB 372 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anderson, Blake, B. Cook, Delisi, Hopson, D. Jones, T. King, Kuempel, Laney, Miller, and Swinford recorded voting no.)

HB 373 ON THIRD READING
(by Swinford)

HB 373, A bill to be entitled An Act relating to the food and fibers research grant program.

A record vote was requested.

HB 373 was passed by (Record 166): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel;

Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberger; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Bailey; Jackson; Krusee; Seaman; Uresti.

STATEMENT OF VOTE

When Record No. 166 was taken, I was in the house but away from my desk. I would have voted yes.

Bailey

HB 538 ON THIRD READING

(by Bohac, Bailey, A. Allen, Talton, and Edwards)

HB 538. A bill to be entitled An Act relating to the construction or operation of chemical dependency treatment facilities near certain residential and community properties in certain municipalities.

Amendment No. 1

Representative Bohac offered the following amendment to **HB 538**:

Amend **HB 538**, 2nd Reading Engrossment, as follows:

(1) On page 2, line 11, strike "mail notice" and substitute "send notice by certified mail".

(2) On page 3, after line 9, insert a new Subsection (f) to read as follows:

(f) A person who is required to provide notice under this section and fails to provide the notice commits an offense. Each failure to provide notice to a municipality or property owner constitutes a separate offense. An offense under this subsection is a Class C misdemeanor.

Amendment No. 1 was adopted.

HB 538, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 540 ON THIRD READING**(by Bohac, Van Arsdale, Elkins, Callegari, Hegar, et al.)**

HB 540, A bill to be entitled An Act relating to the designation of the portion of U.S. Highway 290 inside Harris County as the Ronald Reagan Memorial Highway.

(Krusee now present)

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 540**:

Amend **HB 540** on third reading by adding the following SECTION to the bill between lines 22 and 23 and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION 2. If this Act takes effect to name the part of U.S. Highway 290 located in Harris County after Ronald Reagan, no other Acts of the 79th Legislature may name a highway after Ronald Reagan.

Representative Bohac moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 167): 84 Yeas, 52 Nays, 4 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kuempel; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pitts; Puente; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Guillen; Harper-Brown; Herrero; Hochberg; Hodge; Hopson; Jones, J.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo; Wong.

Present, not voting — Mr. Speaker(C); Cook, R.; Homer; Ritter.

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Corte; Edwards; Haggerty; Kolkhorst; Krusee; Oliveira; Pickett.

STATEMENT OF VOTE

When Record No. 167 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

HB 540 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam, Farrar, Herrero, and Leibowitz recorded voting no.)

HB 544 ON THIRD READING
(by Naishtat and McClendon)

HB 544, A bill to be entitled An Act relating to the right of certain sexual assault victims to a forensic medical examination.

HB 544 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 685 ON THIRD READING
(by Rose, Berman, Guillen, et al.)

HB 685, A bill to be entitled An Act relating to the requirements that apply to certain armed forces personnel who apply to obtain or renew a concealed handgun license.

HB 685 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 937 ON THIRD READING
(by Homer)

HB 937, A bill to be entitled An Act relating to authorizing a nonresident seller to conduct wine samplings.

HB 937 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 964 ON THIRD READING
(by Gattis)

HB 964, A bill to be entitled An Act relating to the filing fee for candidates for justice of certain courts of appeals.

HB 964 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1066 ON THIRD READING
(by Hegar, Driver, Peña, Homer, Flynn, et al.)

HB 1066, A bill to be entitled An Act relating to the issuance of concealed handgun licenses to residents of other states and to reciprocity agreements with other states concerning concealed handgun licenses.

A record vote was requested.

HB 1066 was passed by (Record 168): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Hodge.

Absent, Excused — Flores; Gonzalez Toureilles; West.

STATEMENT OF VOTE

I was shown voting yes on Record No. 168. I intended to vote no.

Coleman

HB 1326 ON THIRD READING
(by Hope, Solis, et al.)

HB 1326, A bill to be entitled An Act relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

A record vote was requested.

HB 1326 was passed by (Record 169): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Dawson; Edwards; Haggerty; Hopson.

STATEMENT OF VOTE

When Record No. 169 was taken, my vote failed to register. I would have voted yes.

Hopson

HB 1361 ON THIRD READING **(by Hardcastle, Seaman, and Guillen)**

HB 1361, A bill to be entitled An Act relating to the development of an animal identification program; providing a criminal penalty.

HB 1361 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hupp recorded voting no.)

HB 1362 ON THIRD READING **(by Hardcastle, Guillen, et al.)**

HB 1362, A bill to be entitled An Act relating to the inspection of livestock at livestock markets.

A record vote was requested.

HB 1362 was passed by (Record 170): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberger; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Farrar.

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Burnam; Dunnam; Haggerty; Martinez; Straus.

STATEMENTS OF VOTE

When Record No. 170 was taken, my vote failed to register. I would have voted yes.

Dunnam

I was shown voting present, not voting on Record No. 170. I intended to vote yes.

Farrar

When Record No. 170 was taken, I was in the house but away from my desk. I would have voted yes.

Straus

HB 1363 ON THIRD READING (by Hardcastle, Guillen, et al.)

HB 1363, A bill to be entitled An Act relating to certificates of veterinary inspection.

HB 1363 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1573 ON THIRD READING
(by Geren)

HB 1573, A bill to be entitled An Act relating to the definition of the practice of architecture.

HB 1573 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 55 ON SECOND READING
(by Grusendorf, Hill, Goolsby, Branch, et al.)

CSHB 55, A bill to be entitled An Act relating to the designation of the portion of Interstate Highway 20 inside Dallas and Tarrant Counties as the Ronald Reagan Memorial Highway.

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 55**:

Amend **CSHB 55** as follows:

- (1) On line 8 of the bill, strike "RONALD REAGAN" and substitute "CESAR CHAVEZ".
- (2) On line 10 of the bill, strike "Ronald Reagan" and substitute "Cesar Chavez".
- (3) On line 13 of the bill, strike "Ronald Reagan" and substitute "Cesar Chavez".

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Burnam offered the following amendment to **CSHB 55**:

Amend **CSHB 55** as follows:

- (1) On line 8 of the bill, strike "RONALD REAGAN" and substitute "KAY BAILEY HUTCHISON".
- (2) On line 10 of the bill, strike "Ronald Reagan" and substitute "Kay Bailey Hutchison".
- (3) On line 13 of the bill, strike "Ronald Reagan" and substitute "Kay Bailey Hutchison".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative B. Brown offered the following amendment to **CSHB 55**:

Amend **CSHB 55** (House Committee Printing) on page 1, line 9, by striking "Dallas" and substituting "Kaufman, Dallas".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hughes offered the following amendment to **CSHB 55**:

Amend **CSHB 55** as follows:

(1) On page 1, line 9, strike "Dallas and Tarrant Counties" and substitute "this state that has not been otherwise designated by the legislature or by this state".

(2) on page 1, between lines 20 and 21, insert the following:

(e) Notwithstanding Subsections (a) and (b), if a political subdivision of this state has named a segment of Interstate Highway 20 that is located in the territory of the political subdivision, that segment may retain and continue to have that name and the department is not required to remove any signage or markings that indicate that name.

Amendment No. 4 was withdrawn.

(Driver in the chair)

A record vote was requested.

CSHB 55, as amended, was passed to engrossment by (Record 171): 84 Yeas, 36 Nays, 17 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver(C); Eissler; Elkins; Flynn; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; Vo; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Edwards; Escobar; Farrar; Gallego; Gonzales; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Noriega, M.; Olivo; Quintanilla; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey.

Present, not voting — Mr. Speaker; Bailey; Castro; Eiland; Frost; Gattis; Geren; Giddings; Homer; Hopson; Laney; Menendez; Naishtat; Peña; Puente; Ritter; Turner.

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Davis, J.; Dunnam; Dutton; Farabee; Guillen; Haggerty; Merritt; Raymond; Truitt; Villarreal.

STATEMENTS OF VOTE

When Record No. 171 was taken, I was shown voting no. I would have voted present, not voting.

Chavez

When Record No. 171 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Farabee

When Record No. 171 was taken, my vote failed to register. I would have voted present, not voting.

Guillen

When Record No. 171 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

REASON FOR VOTE

Due to the fact that I-20 traverses through many legislative districts, I chose to vote neither for nor against this bill.

Farabee

CSHB 129 ON SECOND READING

(by Berman, Orr, R. Cook, Blake, McReynolds, et al.)

CSHB 129, A bill to be entitled An Act relating to the authority to require a convicted person to perform manual labor for a nonprofit organization.

CSHB 129 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

HB 151 ON SECOND READING

(by Truitt, Branch, Peña, Harper-Brown, Alonzo, et al.)

HB 151, A bill to be entitled An Act relating to the punishment for the offense of burglary of a vehicle.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 151**:

Amend **HB 151** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 30.04(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if:

(1) it is shown on the trial of the offense that the defendant has been previously convicted two times under this section; or

(2) ~~[unless]~~ the vehicle or part of the vehicle broken into or entered is a rail car ~~[, in which event the offense is a state jail felony].~~

Representative Truitt moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 172): 88 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laney; Laubenberger; Madden; McCall; McReynolds; Merritt; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farrar; Gallego; Gonzales; Guillen; Haggerty; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Cook, B.; Geren; Giddings; Homer; Jones, D.; Krusee; Miller.

STATEMENT OF VOTE

When Record No. 172 was taken, I was in the house but away from my desk. I would have voted yes.

Homer

Amendment No. 2

Representative Hodge offered the following amendment to **HB 151**:

Amend **HB 151** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 30.04(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if:

(1) it is shown on the trial of the offense that the defendant has been previously convicted under this section; or

(2) ~~[unless]~~ the vehicle or part of the vehicle broken into or entered is a rail car ~~[, in which event the offense is a state jail felony].~~

Representative Truitt moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 173): 82 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Callegari; Casteel; Chisum; Cook, B.; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pitts; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley.

Nays — Allen, A.; Allen, R.; Alonzo; Bailey; Brown, F.; Burnam; Campbell; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farrar; Gallego; Gonzales; Guillen; Haggerty; Hamilton; Hegar; Herrero; Hochberg; Hodge; Jones, J.; King, T.; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Corte; Geren; Giddings; Hilderbran; Menendez.

STATEMENT OF VOTE

When Record No. 173 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

A record vote was requested.

HB 151 was passed to engrossment by (Record 174): 96 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel;

Laney; Laubenberg; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; Wong; Woolley; Zedler.

Nays — Allen, R.; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Gallego; Gonzales; Guillen; Haggerty; Hamilton; Herrero; Hochberg; Hodge; Homer; Isett; Jones, D.; Jones, J.; King, T.; Leibowitz; Luna; Madden; Martinez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Allen, A.; Anderson; Giddings; McCall; Menendez; Puente; Quintanilla.

STATEMENTS OF VOTE

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted yes.

McCall

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

When Record No. 174 was taken, I was in the house but away from my desk. I would have voted no.

Quintanilla

HB 474 ON SECOND READING

(by West, et al.)

HB 474, A bill to be entitled An Act relating to the duty of a gas utility to report certain transactions to the Railroad Commission of Texas.

HB 474 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 554 ON SECOND READING

(by Turner, McClendon, et al.)

HB 554, A bill to be entitled An Act relating to the system benefit fund and to eligibility for and enrollment for benefits under the fund.

Amendment No. 1

Representative Hartnett offered the following amendment to **HB 554**:

Amend **HB 554** on page 4, line 16, by striking "in whose household resides a person".

Amendment No. 1 was adopted.

A record vote was requested.

HB 554, as amended, was passed to engrossment by (Record 175): 129 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hardcastle; Harper-Brown; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smithee; Solis; Solomons; Strama; Straus; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Zedler.

Nays — Davis, J.; Hamric; Hartnett; Hegar; Howard; Hupp; Isett; Jones, D.; Miller; Mowery; Smith, W.; Talton; Woolley.

Present, not voting — Mr. Speaker(C); Pitts; Truitt.

Absent, Excused — Flores; Gonzalez Toureilles; West.

Absent — Cook, R.; Swinford.

STATEMENT OF VOTE

When Record No. 175 was taken, I was temporarily out of the house chamber. I would have voted yes.

R. Cook

CSHB 762 ON SECOND READING

(by Nixon, Bailey, Swinford, Keel, and Woolley)

CSHB 762, A bill to be entitled An Act relating to the solicitation by state officers and employees of and recommendations regarding contributions to charitable organizations and governmental entities.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 762**:

Amend **CSHB 762** by striking the text on page 1, lines 12-14, and substituting the following:

(A) an organization that:

(i) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code;

(ii) does not attempt to influence legislation as a substantial part of the organization's activities; and

(iii) has not elected under Section 501(h), Internal Revenue Code of 1986, to have that subsection apply to the organization; or

Amendment No. 1 was adopted.

CSHB 762, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Rose recorded voting no.)

CSHB 915 ON SECOND READING

(by Woolley)

CSHB 915, A bill to be entitled An Act relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.

CSHB 915 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 951 ON SECOND READING

(by West)

CSHB 951, A bill to be entitled An Act relating to construction affecting pipeline easements and rights-of-way.

CSHB 951 – STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: Does this bill create any penalties or liabilities for someone who wishes to put a deer blind or fishing on a pipeline easement?

REPRESENTATIVE FARABEE: This bill, as it's substituted, would provide that the person who is going to build that deer blind or some structure notify the pipeline operator and give the pipeline operator an opportunity to have injunctive relief if they feel the deer blind would possibly damage the pipeline. Because of the limited nature of the construction of a deer blind, the people who have consulted on this substitute feel like that would not be damaging to the pipeline.

HOWARD: But does this bill create a penalty for that person?

FARABEE: It does not create a penalty, but this bill, as substituted, does provide an avenue if it's the opinion of the pipeline that this deer blind would do damage. But the opinion of the pipeline operators is that deer blinds would not. But for a larger structure, this bill, as substituted would provide an avenue into court.

REMARKS ORDERED PRINTED

Representative Howard moved to print remarks between Representative Farabee and Representative Howard.

The motion prevailed.

Amendment No. 1

Representative Merritt offered the following amendment to **CSHB 951**:

Amend **CSHB 951** as follows:

(1) On page 2, line 8, strike "facility for damages to the facility" and substitute "facility or affected property owner for damages to the facility or property".

(2) On page 2, line 15, between "facility" and the period, insert "or affected owner of the property".

(3) On page 3, line 22, strike "facility" and substitute "facility or affected owner of the property".

(4) On page 3, line 27, between "facility" and the period, insert "or affected owner of the property".

Amendment No. 1 was adopted.

CSHB 951, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 962 ON SECOND READING

(by Krusee)

HB 962, A bill to be entitled An Act relating to requiring the Texas Department of Transportation to include in the statewide transportation improvement program a list of transportation projects that the department considers to be eligible for tolling or feasible for tolling.

Representative Krusee moved to postpone consideration of **HB 962** until 10 a.m. April 12.

The motion prevailed.

CSHB 970 ON SECOND READING

(by Keel, Talton, Hill, Nixon, Peña, et al.)

CSHB 970, A bill to be entitled An Act relating to the required mental state for commission of certain misdemeanor offenses.

CSHB 970 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1130 ON SECOND READING
(by B. Cook, Hupp, Peña, Chisum, Giddings, et al.)

CSHB 1130, A bill to be entitled An Act relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number.

CSHB 1130 - RECOMMITTED

Representative B. Cook moved to recommit **CSHB 1130** to the Committee on Business and Industry.

The motion prevailed.

CSHB 1154 ON SECOND READING
(by Elkins)

CSHB 1154, A bill to be entitled An Act relating to limited liability companies and partnerships.

CSHB 1154 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1319 ON SECOND READING
(by Giddings)

HB 1319, A bill to be entitled An Act relating to business entities and associations.

HB 1319 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1393 ON SECOND READING
(by Flores, et al.)

HB 1393, A bill to be entitled An Act relating to the regulation of certain investigators by the Texas Private Security Board.

Representative Geren moved to postpone consideration of **HB 1393** until 11:30 a.m. tomorrow.

The motion prevailed.

HB 1507 ON SECOND READING
(by Solomons)

HB 1507, A bill to be entitled An Act relating to the regulation of corporations; providing a penalty.

HB 1507 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

FIVE DAY POSTING RULE SUSPENDED

Representative Denny moved to suspend the five day posting rule to allow the Committee on Elections to consider **HB 2309** and other posted bills at 2 p.m. or upon final adjournment/recess tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 2 p.m. or upon final adjournment/recess tomorrow, E2.012, for a public hearing, to consider **HB 2309** and other posted bills.

FIVE DAY POSTING RULE SUSPENDED

Representative Madden moved to suspend the five day posting rule to allow the Committee on Corrections to consider **HB 1661** and other posted bills at 10:30 a.m. or upon final adjournment or recess Thursday, March 31 in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, 10:30 or upon final adjournment/recess Thursday, March 31, E2.016, for a public hearing, to consider **HB 1661** and other posted bills.

Juvenile Justice and Family Issues, upon adjournment today, Desk 115, for a formal meeting, to consider **HB 1130**.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, upon adjournment today, Desk 103, for a formal meeting, to consider **HB 1130**.

Insurance, upon adjournment today, Desk 24, for a formal meeting, as posted.

Agriculture and Livestock, upon adjournment today.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral, in 2W.25, for a formal meeting, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during bill referral or upon adjournment today, 2W.25, for a formal meeting, to consider the calendar.

FIVE DAY POSTING RULE SUSPENDED

Representative McClendon moved to suspend the five day posting rule to allow the Committee on Pensions and Investments to consider **HB 815** and other posted bills at 8 a.m. Thursday, March 31 in E1.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, 8 a.m. Thursday, March 31, E1.010, for a public hearing, to consider **HB 815** and other posted bills.

PROVIDING FOR ADJOURNMENT

Representatives Seaman, Luna, and Herrero moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of the Honorable Travis Peeler of Corpus Christi.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 5 to Business and Industry.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 22**HCR 112, HCR 119****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, March 29, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 123

Pitts

SPONSOR: Averitt

Honoring the Ennis High School Lions football team for winning the 2004 Class 4A Division I state championship.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, March 29, 2005 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 423

Carona

Relating to the issuance of a limited license to practice medicine to certain applicants.

SB 593

Carona

Relating to the governor's study of emerging technology and economic development.

SB 877

Madla

Relating to the direct shipment of wine to consumers; providing a criminal penalty.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 23

Local Government Ways and Means - **HB 182**

Transportation - **HB 1339, HB 1350, HB 1596**

March 24

Border and International Affairs - **HB 1924**

Criminal Jurisprudence - **HB 157, HB 1367, HB 1489, HB 2104**

Defense Affairs and State-Federal Relations - **HB 25, HB 503, HB 1076, HB 1332**

Economic Development - **HB 551, HB 1938, HB 2273, HB 2307**

Energy Resources - **HB 484, HB 773, HB 872, HB 1162**

Higher Education - **HB 258, HB 598, HB 993, HB 994, HB 1063, HB 1170, HB 1412, HB 2108, HB 2212, HB 2272, HB 2441**

House Administration - **HCR 36, HR 164, HR 264, HR 515, HR 703, HR 704**

Insurance - **HB 417, HB 850, HB 933, HB 941, HB 1201, HB 1328**

Ways and Means - **HJR 35**

ENGROSSED

March 23 - HB 18, HB 67, HB 74, HB 81, HB 102, HB 204, HB 230, HB 256, HB 263, HB 265, HB 297, HB 322, HB 350, HB 472, HB 479, HB 532, HB 564, HB 593, HB 595, HB 596, HB 597, HB 638, HB 705, HB 729, HB 735, HB 736, HB 737, HB 738, HB 739, HB 740, HB 741, HB 742, HB 743, HB 744, HB 747, HB 755, HB 760, HB 794, HB 885, HB 901, HB 914, HB 932, HB 946, HB 957, HB 1139, HB 1163, HB 1285, HB 1310, HB 1394, HB 1478, HB 723

ENROLLED

March 24 - HCR 112, HCR 119

SIGNED BY THE GOVERNOR

March 24 - HCR 70, HCR 86, HCR 106, HCR 109

